

REMARKS

The above Amendments and these Remarks are in reply to the Office Action mailed May 15, 2003.

Currently, claims 1-64 are pending. Applicants have amended claims 53 and 59. Applicants respectfully request reconsideration of claims 53-64.

I. Summary of the Examiner's Objections

Claims 53, 54, 57, 59, 60 and 63 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Mitchell et al.

Claims 1 – 52 have been indicated to be allowable.

Claims 55, 56, 58, 61, and 62 are objected to as being dependent on a rejected base claim.

II. Summary of the Amendments

Claims 53 and 59 have been amended.

III. Remarks

It is respectfully submitted that the invention as defined in claims 53, 54, 57, 59, 60 and 63 is not anticipated by Mitchell, et al.

Claim 53 and 59 now define the step of "...retrieving a positioning input indicating a distance the motor is to be rotated..." No disclosure of a positioning input as now defined in the instant claims is provided in Mitchell, et al.

"To anticipate a claim, a reference must disclose every element of the challenged claim and enable one skilled in the art to make the anticipating subject matter." (PPG Industries, Inc. v. Guardian Industries Corp., 75 F.3d 1558, 37 U.S.P.Q.2d 1618, 1624 (Fed. Cir. 1996), citing Chester v. Miller, 906 F.2d 1574, 1576 n.2, 15 U.S.P.Q.2d 1333, 1336 n.2 (Fed. Cir. 1990), In re Donohue, 766 F.2d 531, 533, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985)). As stated by the Federal Circuit, "[i]t is

elementary that an anticipated rejection requires a showing that each limitation of a claim must be found in a single reference, practice, or device" (In re Donohue, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985), citing Dalman v. Kimberly-Clark Corp., 713 F.2d 760, 771, 218 U.S.P.Q. 781, 789 (Fed. Cir. 1983), cert. denied, 104 S.Ct. 1284, 224 U.S.P.Q. 520 (1984)).

It is respectfully submitted that the "position input" as defined in the pending claims is not equivalent to the "position signal" in Mitchell, et al. In Mitchell, et al., it is clear that this signal does not define an "input indicating a distance the motor is to be rotated" but is rather a feedback signal providing information to the controller on the position of the motor:

The controller 10 receives the position signal 28 and/or the velocity signal 30 as a feedback signal and changes the output signal 12 based on these inputs. For example, controller 10 can use the position signal 28 to determine and generate a more accurate commutation signal as a part of output signal 12 to provide more accurate commutation information to the motor 16. (Col. 3, lines 41 – 44)

The "position input" provides an instruction on how far the motor is to be rotated, (Written Description, p. 19, paragraph 4) while the "position signal" of Mitchell, et al. is simply feedback to control the motor. In fact, Mitchell, et al. teaches that the position signal is not always required:

Depending on the type of motor 16, the position signal 28 may or may not necessarily be used. For example, with a brushless DC motor, the velocity signal 30 may be used to control the velocity drive signal 22 sent to the motor 16. In this case, the position signal 28 may not be needed by the controller 10. (Col 3, lines 51 – 55)

Hence, Mitchell, et al. does not disclose the step of "...retrieving a positioning input indicating a distance the motor is to be rotated...", and Mitchell et al. does not anticipate the claimed invention.

In view of the above Amendments and Remarks, reconsideration of claims 53 - 64 is requested.


The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date:

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